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# SENATE CONCURRENT RESOLUTION

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REQUESTING THE JUDICIARY TO FORM A WORKING GROUP TO EXAMINE  
SMARTER SENTENCING TO IMPROVE THE QUALITY AND RELIABILITY  
OF STATE CRIMINAL SENTENCING PRACTICES.

1 WHEREAS, the prison population in the United States has  
2 grown tremendously over the past four decades despite the  
3 tapering off of crime over the past twenty years, partly due to  
4 the imposition of lengthy sentences; and

5  
6 WHEREAS, the increasing number of individuals imprisoned  
7 has led to rising operating costs, community reliance on  
8 incarceration, and growing numbers of inmates prematurely  
9 released from prison each year; and

10  
11 WHEREAS, offender recidivism rates continue to be an issue  
12 because many inmates who are released from incarceration are not  
13 prepared to lead law-abiding lives and reintegrate into society;  
14 and

15  
16 WHEREAS, the number of inmates prematurely released has led  
17 to a growing sentiment that there is interdependency among  
18 participants in the judicial process that needs to be recognized  
19 in working with each other and in the decision-making processes  
20 regarding offenders; and

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22 WHEREAS, smarter sentencing uses research and science to  
23 enhance the decision making ability of criminal justice  
24 stakeholders in the selection and application of fair, just,  
25 proportionate, and efficient sanctioning goals; and

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27 WHEREAS, at each decision point during the process of  
28 charging an individual with an offense, negotiating and  
29 recommending a plea deal, and determining the ultimate sentence,  
30 there is an opportunity to use research-based smarter  
31 sentencing; now, therefore,



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2 BE IT RESOLVED by the Senate of the Twenty-eighth  
3 Legislature of the State of Hawaii, Regular Session of 2015, the  
4 House of Representatives concurring, that the Judiciary is  
5 requested to convene a working group to examine the concept of  
6 smarter sentencing to improve the quality and reliability of the  
7 State's criminal justice sentencing policies and practices; and  
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9 BE IT FURTHER RESOLVED that the purpose of the working  
10 group is to research:  
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- 12 (1) The number of cases over the last ten years in which  
13 smarter sentencing principles were applied to the  
14 negotiation and recommendation of a sentence;  
15  
16 (2) The number of cases over the past ten years in which  
17 principles of smarter sentencing were applicable; and  
18  
19 (3) Possibilities of designing, implementing, and  
20 streamlining a process involving smarter sentencing;  
21 and  
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23 BE IT FURTHER RESOLVED that the Judiciary is requested to  
24 include in the working group:  
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- 26 (1) The Chairperson of the Senate and House of  
27 Representatives committees with primary jurisdiction  
28 over the Judiciary;  
29  
30 (2) The Chairperson of the Senate and House of  
31 Representatives committees with primary jurisdiction  
32 over public safety;  
33  
34 (3) The county prosecutor of each of the counties of  
35 Hawaii, Kauai, and Maui, and the City and County of  
36 Honolulu;  
37  
38 (4) One public defender to represent the Office of the  
39 Public Defender located in each of the counties of  
40 Hawaii, Kauai, and Maui, and the City and County of  
41 Honolulu;  
42



- (5) The Attorney General, or the Attorney General's designee;
- (6) The Director of Public Safety, or the Director's designee;
- (7) Two members appointed by the Chief Justice of the Hawaii Supreme Court;
- (8) One representative of the American Civil Liberties Union of Hawaii;
- (9) One representative of the Hawaii Civil Rights Commission;
- (10) Four members from the community, to be appointed by the Governor;
- (11) One representative of the Sex Abuse Treatment Center;
- (12) One representative of the Hawaii State Coalition Against Domestic Violence; and
- (13) One representative of Mothers Against Drunk Driving Hawaii; and

BE IT FURTHER RESOLVED that the working group is requested to select a chairperson from among its members and meet at least five times prior to December 31, 2015; and

BE IT FURTHER RESOLVED that the working group is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016; and

BE IT FURTHER RESOLVED that the working group be dissolved on June 30, 2016; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, President of the Senate, Speaker of the House of Representatives, Director



1 of Public Safety, Prosecuting Attorney of the County of Hawaii,  
2 Prosecuting Attorney of the County of Kauai, Prosecuting  
3 Attorney of the County of Maui, Prosecuting Attorney of the City  
4 and County of Honolulu, Office of the Public Defender, Attorney  
5 General, Administrator of the Courts, Executive Director of the  
6 American Civil Liberties Union of Hawaii, Executive Director of  
7 the Hawaii Civil Rights Commission, Executive Director of the  
8 Sex Abuse Treatment Center, Executive Director of the Hawaii  
9 State Coalition Against Domestic Violence, and Executive  
10 Director of Mothers Against Drunk Driving Hawaii.  
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